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REPORT

OF THE COMMITTEE IN REGARD TO THE CONTESTED SEAT BBTWEEN

David Scott, vs. John B. Jacobs.

REPORT.

STATE OF WISCONSIN, }
OUTAGAMIE COUNTY, } ss.

In the matter of the election of member of the Assembly for the District comprising the counties of Oconto, Outagamie and Waupacca.

DAVID SCOTT, Contestant,

vs.

JOHN B. JACOBS.

Depositions of witnesses produced, sworn and examined on the part of David Scott, contestant, above named, this 24th day of December, A. D. 1853, at 10 o'clock, A. M., to be used and read in evidence before the assembly of the state of Wisconsin, in the matter of the election above mentioned, and of the seat of said Jacobs, contested by said Scott, taken before Frederick Pachard, Esq., Court Commissioner, at his office in the village of Appleton, in the county aforesaid.

David Scott, the contestant above named, appeared by P. H. Smith, Esq., his counsel, before the Commissioner, at the time and place above named. John B. Jacobs did not appear.

By request of said Scott, the examination was adjourned to one o'clock of the same day, at the same place.

At one o'clock, P. M. of the same day, the said David Scott appeared, and

George W. Gregory was sworn, and deposed as follows:

I reside in the village of Lawsburg, in the county of Outagamie; I am acting as clerk of the board of supervisors of Outagamie county; I have acted as such clerk since about the middle of January, 1853; the board of assembly district canvassers this fall was composed of H. L. Blood, Julius S. Buck and myself; said board met on Tuesday, the 29th day of November, A. D. 1853, at the office of the clerk of the board of supervisors in the village of Appleton; there are three counties in this assembly district; Outagamie, Oconto and Waupacca are the counties; I cannot say how many votes were cast in the county of Outagamie at the last general election; I have the records in my office; by reference to them I can tell; the certificate I hold in my hand is the certificate of the county canvassers relative to the votes polled for member of assembly, at the general election, held November 8, 1853, in Outagamie county, on file in my office.

The last mentioned certificate was then offered in evidence, being in the words and figures following:

"Office of the Clerk Board of Supervisors, Outagamie county, Wis., Grand Chute, November 15, 1853.

"In pursuance of the statute in such case made and provided, I, George W. Gregory, clerk of the board of supervisors of Outagamie county aforesaid, did take to my assistance Benjamin Proctor and R. R. Bateman, justices of the peace in and for said county, to constitute a board of canvassers to determine the election of member of assembly, held in the several towns in said county, at a general election, held on the second Tuesday of November, A. D. 1853.

"The whole number of votes cast for member of assembly, was four hundred and ninety, - - - - - 490
Of which Jackson Tibbits received one hundred forty-four, 144
David Scott received two hundred twenty-three, - - 223
John B. Jacobs received one hundred twenty-two, - 122
Jacobs received one, - - - - - 1

"We certify the foregoing statement to be correct, according to returns made to the clerk of board of supervisors of Outagamie county, from the several towns of said county, of the votes given in the said towns for the purpose heretofore mentioned.

Dated, Grand Chute, November 15, 1853.

Signed:

GEORGE W. GREGORY, Clerk Board Supervisors.
ROBT. R. BATEMAN, Justice of the Peace.
BENJ. PROCTOR, Justice of the Peace."

This certificate endorsed "assembly canvass, November 15, A. D. 1853." "Filed November 15, 1853."

FREDERICK PACHARD, Court Commissioner.

According to this certificate [the witness reading from the same] the whole number of votes cast in Outagamie county for member of assembly was four hundred and ninety, of which David Scott recived two hundred and twenty-three; Jackson Tibbitts received one hundred and forty-four; and John B. Jacobs received one hundred and twenty-two, and Jacobs received one. I have here the certificate received by me from the board of county canvassers of Oconto county, of the result of the canvass of votes cast in Oconto county for member of assembly, for the district comprising the counties of Oconto, Outagamie and Waupacca, at the general election, held November 8th, 1853, which is the only certificate from Oconto county used by the district board of canvassers, in canvassing the votes cast at said election.

The certificate last above mentioned was then offered in evidence, being in the words and figures following:

"STATE OF WISCONSIN, } ss.
OCONTO COUNTY, }

"Canvass of votes cast at the general election held in said county, for member of assembly, Nov. 8, '53. Whole number of votes cast for member of assembly, was one hundred and ninety-one, 191 Of which John B. Jacobs received one hundred and forty-six, 146

" David Scott received twenty-five, - - 25
" Jackson Tibbitts received twenty, - - 20

"We, the board of county canvassers, do hereby certify that the above canvass is correct.

"Given under our hands this 15th day of November, A.D. 1853.

Signed:

WILLIAM BRUNQUEST, Justice of the Peace.
E. HART, Justice of the Peace.

"Attest:

(Signed) EDWIN HART, Clerk of the Board of Supervisors of Oconto county, Wis.

Endorsed, "Oconto assembly canvass, 1853."

"Filed, November 19, 1853."

According to this certificate [the witness referring to the same] the whole number of votes cast in Oconto county, for member of assembly, at the general election, held November 8th, 1853, was one hundred and ninety-one, of which John B. Jacobs received one hundred and forty-six; David Scott recived twenty-five, and Jackson Tibbitts received twenty.

I do not know that any certificate of the result of the canvass of votes cast in the county of Waupacca, for member of assembly at the general election, held November 8th, 1853, was received at my office, other than the paper I now have here. This paper was received on the 28th day of November, 1853.

The paper last above mentioned was then offered in evidence, being in the words and figures following:

"We, the undersigned, county board of canvassers, do hereby certify that the within canvass, for member of the assembly, is correct, Nov. 15th, 1853. The whole number of votes cast is four hundred and twenty-three votes, of which David Scott got two hundred and forty-two votes; Jackson Tibbits got one hundred and sixty two votes; John B. Jacobs got nineteen votes.

"We do hereby certify that the above is correct.

(Signed) JAMES SMILEY,
Clerk of the Board of Supervisors.

R. NICHOLS, }
ALBON BRANDY, } Justices of Peace."

Endorsed, "Waupacca canvass, 1853."
"Rec'd Nov. 28, 1853."
"Official canvass of assemblyman."

As appears from this paper [the witness reading from the same] the whole number of votes cast in Waupacca county, for member of assembly at the general election, held November 8th, 1853, was four hundred and twenty-three, of which David Scott got two hundred and forty-two; Jackson Tibbits got one hundred and sixty-two, and John B. Jacobs got nineteen votes. I do not know that there was any other certificate or paper purporting to be a certificate of the result of the county canvass of votes cast in Waupacca county, for member of assembly at the general election, held November 8th, 1853, received at my office. This paper (the one last above offered in evidence) is signed by James Smiley, clerk of the board of supervisors, and by R. Nichols and Albon Brandy, justices of peace.

No votes from the county of Waupacca for member of the Assembly were canvassed by the majority of the Board of District Canvassers, at their meeting November 29th, 1853. The whole number of votes cast in the counties of Outagamie and Oconto at the general election held November 8th, 1853, for member of Assembly, was six hundred and eighty-one, and that was the whole number of votes canvassed by the majority of the Board of Assembly District Canvassers, and the certificate of election as member of the Assembly, for the district comprising the counties of Oconto, Outagamie and Waupacca, was given to John B. Jacobs by Henry L. Blood and myself, as a majority of the Board of District Canvassers. If the paper last offered in evidence is the certificate of the county board of canvassers of Waupacca county of the results of their canvass of votes cast for member of assembly in that county at the general election held November 8th, 1853, then the whole number of votes cast in the three counties of Oconto, Outagamie and Waupacca for that office, at that election, was eleven hundred and four, of which John B. Jacobs received two hundred and eighty-seven, Jacobs received one, David Scott received four hundred and nine-

ty, and Jackson Tibbits received three hundred and twenty-six votes. Julius S. Buck, one of the Board of Assembly District Canvassers, refused to sign the certificate given to John B. Jacobs by the majority of said Board.

GEORGE W. GREGORY.

Sworn and subscribed before me this 24th day of December, A. D. 1853.

FREDERICK PACHARD, Court Commissioner, Outagamie County.

Julius S. Buck being duly sworn, deposed as follows:

I reside in Appleton, Outagamie County; I am Register of Deeds of Outagamie County; have acted as such since January 1852. I was one of the Board of Assembly District Canvassers for the Assembly District comprising the counties of Oconto, Outagamie and Waupacca for the election held November 8, 1853; and acted as a member of such Board on the 29th day of November 1853. According to the returns made to the Board of District Canvassers, the whole number of votes cast in Outagamie Co., for member of assembly, at said election, was four hundred and ninety; the whole number of votes cast in Oconto County for that office at that election was one hundred and ninety-one; the whole number of votes cast in Waupacca county for that office at that election was four hundred and twenty-three—in all eleven hundred and four votes in the whole district—and of the votes cast in Outagamie county,

David Scott received	223
Of those cast in Waupacca county,	
David Scott received	242
Of those cast in Oconto county,	
D. Scott received	25

David Scott received in all in said district 490 votes.

Of the votes cast in Outagamie county,	
John B. Jacobs received	122
Of those cast in Waupacca county,	
John B. Jacobs received	19

Of those cast in Oconto county,

John B. Jacobs received . . 146

John B. Jacobs received in all in said district 287 votes.

In Outagamie county one vote was cast for Jacobs.

Of the votes cast in Outagamie county,

Jackson Tibbits received 144

Of those cast in Oconto county

Jackson Tibbits received 20

Of those cast in Waupacca county,

Jackson Tibbits received 162

Jackson Tibbits received in all in said district 326 votes.

David Scott received a plurality of all the votes cast in said assembly district; David Scott received a majority of two hundred and three votes over John B. Jacobs in said district, and a majority of one hundred and sixty-four over Jackson Tibbits. The certificate of election as member of the assembly for said assembly district was given by a majority of said district board to John B. Jacobs; I refused to sign that certificate. The majority of the said board refused to and did not canvass any of the votes returned from Waupacca county. I have the certificate of the result of said assembly district canvass made out by me as a member of said district board of canvassers. The last mentioned certificate was then offered in evidence, being in the words and figures following:

"I, the undersigned, one of the board of district canvassers, duly assembled at the town of Grand Chute, the county seat of Outagamie county, State of Wisconsin, this twenty-ninth day of November, A. D. 1853, for the purpose of examining the statement of votes given at the election held November 8th, 1853, for member of the assembly for the district comprising the counties of Oconto, Outagamie and Waupacca, do find and certify as follows:

"The whole number of votes given at said election in said district, for member of assembly, for said district, as appears by returnd statement of votes for said district was eleven hundred and four, 1104

Of which John B. Jacobs received two hundred and eighty seven.	287
And Jacobs one.	1
And David Scott received four hundred and ninety.	490
And Jackson Tibbitts received three hundred and twenty-six.	326
Total,	1104

And I, the undersigned, do further find, certify and determine that David Scott having received the highest number of votes given at said election in said district for member of assembly of said district (as appears by returned statement of votes) was at said election duly eleced member of assembly for said district.

And I do hereby certify the above to be a correct statement.

Witness my hand, at Grand Chute, this 29th day of November, A. D. 1853,

(Signed) JULIUS S. BUCK,
Register of Deeds for Outagamie County, Wis."

JULIUS S. BUCK.

Sworn and subscribed before me, this 24th day of December, A. D. 1853.

FREDERICK PACHARD, Court Commissioner,
Outagamie county.

Robert R. Bateman being duly sworn deposed as follows:

I am a justice of the peace of the county of Outagamie; I was a member of the board of county canvassers of the county of Outagamie to canvass the votes cast in said county, at the general election held November 8th, A. D. 1853. The said board met November 15th, 1853; the said board was composed of George W. Gregory, Benjamin Proctor and myself; we met at Mr. Gregory's dwelling house; the whole number of votes cast in the county of Outagamie, for member of Assembly, was four hundred and ninety, of which

David Scott received two hundred and twenty-three.	223
Jackson Tibbits received one hundred and forty-four.	144
John B. Jacobs received one hundred and twenty-two.	122

And Jacobs received one. 1

Making the whole number of votes 490

Cast in all the towns and precints of the county of Outagamie for member of assembly at the general election held November 8th, A. D. 1853.

ROBERT R. BATEMAN.

Sworn and subscribed before me this 24th day of December, A. D. 1853.

FREDERICK PACHARD, Court Commissioner, Outagamie County.

Adjourned to December 26th, 1853, at 9 o'clock A. M.

December 26th, 1853, at 9 o'clock A. M. the said David Scott appeared by P. H. Smith, Esq., his counsel, before the commissioner; the said John B. Jacobs did not appear.

The certificate of the county clerk of board of supervisors of Oconto county, hereto annexed and marked "A," was then offered in evidence on the part of said Scott.

FREDERICK PACHARD,
Court Commissioner, Outagamie Co.

"A."

STATE OF WISCONSIN, } ss.
OCONTO COUNTY, }

November 15, 1853. County Canvass of votes in said county.

We, the undersigned, board of canvassers for the county of Oconto, do hereby certify that at the general election, held in said county, on the 8th day of November, 1853, the following named persons received the number of votes set opposite their names for member of assembly, to wit:

Whole number of votes cast at said election, for member of assembly, was one hundred and ninety-one, of which

John B. Jacobs received one hundred and forty-six; and

Jackson Tibbits received twenty votes; and

David Scott received twenty-five.

Given under our hand this 15th day of November, 1853.

WILLIAM BRUNQUEST, Justice of the Peace.
E. HART, Justice of the Peace.

Attest:

EDWIN HART, Clerk of the Board of Supervisors,
Oconto county, Wis.

STATE OF WISCONSIN, } ss.
OCONTO COUNTY,

I, Edwin Hart, Clerk of the Board of Supervisors of Oconto county, do hereby certify that I have compared the foregoing copy of the certificate of the county canvass in said county, of the election of member of assembly, held November 8th, 1853, with the original certificate, now on file in my office; and that the foregoing is a true and correct transcript of said original certificate, and of the whole and every part thereof.

In witness whereof, I have hereto set my hand and affixed my [L.S.] official seal, this 14th day of December, 1853.

EDWIN HART,
Clerk of the Board of Supervisors, Oconto Co., Wis.

STATE OF WISCONSIN, } ss.
OUTAGAMIE COUNTY,

I, Frederick Pachard, Court Commissioner in and for said county, do hereby certify that the foregoing depositions were taken before me, at my office in the town of Grand Chute, in said county, on the 24th day of December, A. D. 1853, at 10 o'clock, A. M., adjourning from time to time, as in said depositions mentioned; that they were taken at the request of David Scott, contestant within named, upon verbal interrogatories; that they were reduced to writing by myself; that they were taken to be used in the matter of the election of member of the assembly, for the district comprising the counties of Oconto, Outagamie and Waupacca, wherein David Scott contested the election of John B. Jacobs, who claimed a seat as member of the assembly of the State of Wisconsin, for said district, and to be used and read in evidence before said as-

sembly; that they were taken under authority of the act of the Legislature of the State of Wisconsin, entitled "an act to provide for contesting elections of members of the senate and assembly," approved March 19, 1853; that a notice, of which the annexed is a copy, was served on the within named John B. Jacobs, on the 12th day of December, 1853; that said deponents, hereinbefore named, before examination were sworn to testify the truth, the whole truth, and nothing but the truth, relative to said matter of said election; and that said depositions were carefully read to or by said deponents, and then subscribed by them.

Dated, at Appleton, this 26th day of December, A. D. 1853.

FREDERICK PACHARD,

Court Commissioner, Outagamie county.

In the matter of the election of member of the assembly, for the district comprising the counties of Outagamie, Oconto and Waupacca.

DAVID SCOTT, Contestant,

vs.

JOHN B. JACOBS.

To John B. Jacobs, Esq.:

You are hereby notified that the depositions of Julius S. Buck, Henry L. Blood, George W. Gregory, Robert R. Bateman and Benj. Proctor, of the town of Grand Chute, in the county of Outagamie, and such other witnesses as may be in attendance, will be taken before Frederick Pachard, Esq., court commissioner for the county of Outagamie, at his office in the village of Appleton, in said county, on Saturday, the 24th day of December, A. D. 1853, commencing at 10 o'clock, A. M. of said day, to be used and read in evidence before the assembly for the State of Wisconsin, in the matter of the election of the member of assembly, for the district comprising the counties of Oconto, Outagamie and Waupacca, and in the case of your seat contested. At which above mentioned

time and place, you can attend and put such interrogatories as you may think fit.

Yours, respectfully,

DAVID SCOTT.

Dated, Appleton, Dec. 2, A. D. 1853.

STATE OF WISCONSIN, }
OUTAGAMIE COUNTY, } ss.

John Quimby, being duly sworn deposes and says, That on the 12th day of December, A. D. 1853, he went to the house in which John B. Jacobs, within named, resides, with the original notice, of which the within is a copy; that he was informed by said Jacobs' family that said Jacobs was not at home, but had gone to Green Bay; that deponent then left said notice at the house of said Jacobs; and further deponent saith not.

JOHN QUIMBY.

Sworn and subscribed before me, this 12th day of December, A. D. 1853.

FREDERICK PACHARD, Court Commissioner,
Outagamie county.

THE STATE OF WISCONSIN, }
Outagamie County Circuit Court. }

The State of Wisconsin, to George W. Gregory:

We command you, to be and appear before Frederick Packard, Esq., Court Commissioner for said county of Outaganie, at his office in the village of Appleton, in the town of Grand Chute, in said county, on the 24th day of December, A. D. 1853, forthwith, then and there to give evidence in the matter of the election of member of assembly for the district comprising the counties of Waupaca, Oconto and Outagamie, wherein the seat of John B. Jacobs is contested by David Scott, and that you bring with you all books and papers and records in your office, as clerk of the board of supervisors of the county of Outagamie, relating to said elec-

tion and the district canvass, and also relating to the canvass of votes given in said Outagamie county at the last general election, on behalf said David Scott, contestant.

Hereof fail not, on pain of the penalty that will fall thereon.

Witness the Hon. Timothy O. Howe, Judge of our said Court, this 24th day of December, 1853.

HENRY S. EGGLESTON, Clerk.

STATE OF WISCONSIN, }
Outagamie County. }

I hereby certify that I have served the within by reading the within to George W. Gregory. I also gave said Gregory one dollar and thirteen cents as his fees.

A. B. EVERTS, Sheriff Outagamie Co., Wis.

Appleton, Dec. 24, 1853.

THE STATE OF WISCONSIN, }
Outagamie County Circuit Court. }

The State of Wisconsin to Henry L. Blood, Julius S. Buck, Benjamin Proctor, Robert R. Bateman.

We command you, to be and appear before Frederick Pachard, Esq., Court Commissioner for said county of Outagamie, at his office in the village of Appleton, in the town of Grand Chute, in said county, on Saturday, the 24th day of December, A. D. 1853, at 10 o'clock A. M. of said day, then and there to give evidence in the matter of the election of member of assembly for the assembly district comprising the counties of Waupaca, Outagamie and Oconto, wherein the seat of John B. Jacobs is contested by David Scott, on behalf of David Scott the contestant.

Hereof fail not, on pain of the penalty that will fall thereon.

Witness the Hon. Timothy O. Howe, Judge of our said Court, this 22nd day of December, 1853.

HENRY S. EGGLESTON, Clerk.

STATE OF WISCONSIN, }
Outagamie County. }

I hereby certify that I have served the within by reading the same in the hearing of Henry L. Blood, Julius S. Buck and Robert R. Bateman; I also certify that I gave to Henry L. Blood and Robert R. Bateman the sum of eighty-one cents each for their attendance and travel. Dec. 23, 1853.

A. B. EVERTS, Sheriff Outagamie Co., Wis.

STATE OF WISCONSIN, }
Outagamie County. } ss.

I, Frederick Pachard, Court Commissioner in and for the county aforesaid, do hereby certify that on the second day of January, A. D. 1854, the witnesses mentioned in the foregoing depositions, whose names are subscribed thereto, namely, George W. Gregory, Robert R. Bateman and Julius S. Buck, appeared before me, at my office, in the town of Grand Chute, in said county, at 10 o'cl'k. A. M, of said day; that the said David Scott named therein as contestant was present and appeared (by his counsel, P. H. Smith, Esq.); that the said John B. Jacobs, within named, did not appear; that a notice, of which a copy is annexed, marked "B," was served on the within named John B. Jacobs, on the 21st day of December, A. D. 1853; that said witnesses and said Scott appeared for the purpose of taking the depositions of said witnesses, to be used in the matter of the election of member of assembly for the district comprising the counties of Oconto, Outagamie and Waupacca, wherein David Scott contested the seat of John B. Jacobs; and to be read in evidence before the assembly of the State of Wisconsin, under authority of an act of the legislature of the State of Wisconsin, entitled "an act to provide for contesting elections of members of the senate and assembly," approved March 19, 1853; that the said witnesses being examined at the request of said David Scott, contestant, upon verbal interrogations, testified precisely in manner and form as in said depositions is set forth: that said deponents, before examination, were sworn at the time

and place hereinbefore mentioned, to testify the truth, the whole truth and nothing but the truth, relative to said matter of said election; that said depositions were carefully read over to said deponents, having being subscribed by them on the 24th day of December, A. D, 1853; and that said deponents being then duly sworn, made oath that said depositions which had been subscribed by them and read to them were the truth, the whole truth and nothing but the truth, relative to said matter of said election.

Dated at Appleton, this 2nd day of January, A. D. 1854.

FREDERICK PACHARD,
Court Commissioner, Outagamie County.

"B."

In the matter of the election of member of assembly for the district comprising the counties of Outagamie, Oconto and Waupacca.

DAVID SCOTT, Contestant,
vs.
JOHN B. JACOBS.

To JOHN B. JACOBS, Esq.

You are hereby notified that the depositions of Julius S. Buck, Henry L. Blood, George W. Gregory, Robert R. Bateman and Benj. Proctor, of the town of Grand Chute, in the county of Outagamie, and such other witnesses as may be in attendance, will be taken before Frederick Pachard, Esq., Court Commissioner for the county of Outagamie, at his office, in the village of Appleton, in said county, on Monday, the second day of January, A. D. 1854, commencing at 10 o'clock A. M. of said day, to be used and read in evidence before the Assembly for the State of Wisconsin, in the matter of the election of the member of the assembly for the district comprising the counties of Oconto, Outagamie and Waupacca, and in the case of your seat contested, at which above men-

tioned time and place you can attend and put such interrogatories as you may think fit.

Yours respectfully,

DAVID SCOTT.

Dated, Waupacca, Dec. 2nd, 1853.

STATE OF WISCONSIN, } ss.
COUNTY, }

G. W. Woodward, being duly sworn, deposes and says, that on the twenty-first day of December, A. D. 1853, he personally served, by offering to the within named John B. Jacobs the original notice of which the within is a copy; that he refused to take or touch it; whereupon said Woodward explained to him the nature, contents and character of the same.

G. W. WOODWARD.

Sworn and subscribed before me, this 21st day of December, A. D. 1853.

E. H. ELLIS, Notary Public,
Brown County, Wisconsin.

In the matter of the election of member of assembly, for the district, comprising the counties of Oconto, Outagamie and Waupacca.

DAVID SCOTT, Contestant,

vs.

JOHN B. JACOBS.

To JOHN B. JACOBS, Esq.:

You are hereby notified that the depositions of James Smiley, R. Nichols, Albon Brandy, of the town of Mukwa, in the county of Waupacca, and such other witnesses as may be in attendance, will be taken before Mellen Chamberlain, Esq., a justice of the peace, in and for the county of Waupacca, at the house of H. Ralph, in the village of Mukwa, in said county, on Wednesday, the 4th day of January, A. D. 1854, commencing at one o'clock, P. M. of

said day, to be used and read in evidence before the assembly for the State of Wisconsin, in the matter of the election of the member of assembly, for the district, comprising the counties of Oconto, Outagamie and Waupacca, and in the case of your seat contested. At which above mentioned time and place, you can attend and put such interrogatories as you may think fit.

Yours, respectfully,

DAVID SCOTT.

Dated, Waupacca, Dec. 5, 1853.

STATE OF WISCONSIN, } ss.
COUNTY, }

G. W. Woodward, being duly sworn, deposes and says, That on the 21st day of December, A. D. 1853, he personally served, by offering to the within named John B. Jacobs, the original notice, of which the within is a copy; that he refused to take or touch it, whereupon said Woodward explained to him the nature, contents and character of the same.

G. W. WOODWARD.

Sworn and subscribed before me, this 21st day of December, A. D. 1853.

E. H. ELLIS, Notary Public,
Brown county, Wisconsin.

WAUPACCA COUNTY, } ss.
TOWN OF MUKWA, }

DAVID SCOTT, Contestant,

vs.

JOHN B. JACOBS.

I, James Smiley, of lawful age, being duly sworn, do depose and say, That I reside in the village of Mukwa, Waupacca county; I have acted as clerk of the board of supervisors for the county of Waupacca, since the year 1851, up to this time; I am clerk of the board of supervisors for the county of Waupacca. The board of county canvassers, for the county of Waupacca, were composed of

James Smiley, clerk of the board of supervisors; Albon Brandy, justice of the peace, and R. Nichols, justice of the peace. Said board met on the 15th day of November, 1853, in the village of Mukwa, at the house of H. Ralph. I have the book of the office of clerk of board of supervisors for the county of Waupacca here before me, in which I find the following record, namely: At the general election, held in Waupacca county, November eighth, A.D. 1853, for member of assembly, David Scott received two hundred and forty-two votes; Jackson Tibbits received one hundred and sixty-two votes; John B. Jacobs received nineteen votes.

The following is a copy of the certificate, signed by the above named board of canvassers, and sent to the clerk of the board of supervisors for the county of Outagamie, before the 29th day of November, A. D. 1853, to wit:

We, the undersigned, county board of canvassers for member of assembly, do certify that the within is correct. The whole number of votes cast was four hundred and twenty-three, of which David Scott got two hundred and forty-two votes; Jackson Tibbits one hundred and sixty-two; John B. Jacobs nineteen votes. We do hereby certify that the above is correct.

JAMES SMILEY,
Clerk of the Board of Supervisors.
R. NICHOLS, Justice of the Peace.
ALBON BRANDY, Justice of the Peace.

I made an endorsement on the back of the above named certificate of the following words, to wit:

"Official canvass for member of assembly."

I sealed up the official certificate of the vote for member of assembly, cast in the county of Waupacca, on the 8th day of November, A. D. 1853, and gave the same to R. Nichols, Esq., one of the county board of canvassers for Waupacca. Said Nichols helped to canvass the votes given for member of assembly at the election above-named.

JAMES SMILEY.

Subscribed and sworn before me, this 4th day
January, A. D. 1854.

M. CHAMBERLAIAN, Justice of the Peace.

WAUPACCA COUNTY, }
TOWN OF MUKWA, } ss.

I, Albon Brandy, of lawful age, being duly sworn, do depose and say, That I reside in the town of Mukwa, in said county; I am justice of the peace in and for said county. I was a member of the board of the county canvass of the county of Waupacca, to canvass the votes cast in said county at the general election, held November 8th, A. D. 1853. The said board met November 15th, A. D. 1853. The said board was composed of James Smiley, clerk of the board of supervisors; R. Nichols and myself, justices of the peace. We met at the house of H. Ralph, in the town of Mukwa. Thhe whole BUMBER of votes cast in the county of Waupacca, for member of assembly, was four hundred and twenty-three, (423) of which David Scott received two hundred and forty-two, (242); Jackson Tibbits received one hundred and sixty-two, (162); John B. Jacobs received nineteen votes, making the whole nnmber of votes cast in all the towns and precincts of the county of Waupacca, for member of assembly, at the general election, held November 8th, A. D. 1853, four hundred and twenty-three.

ALBON BRANDY.

Subscribed and sworn before me this 4th day
of January, A. D. 1854.

MELLEN CHAMBERLAN, Justice of the Peace.

STATE OF WISCONSIN, }
COUNTY OF WAUPACCA, } ss.
Town of Mukwa. }

I, Ransom Nichols, of lawful age, being duly sworn, do depose and say, That I have heard the certificate read spoken of above by James Smiley. I gave the said certificate to the clerk of the board of supervisors for the county of Outagamie, on the 28th day of

November, A. D. 1853. I reside in the village of Mukwa. I am justice of the peace in and for said county. I was one of the board of canvassers above spoken of.

RANSOM NICHOLS.

Subscribed and sworn before me, this 4th day of January, A. D. 1854.

M. CHAMBERLAIN, Justice of the Peace.

STATE OF WISCONSIN, } ss.
WAUPACCA COUNTY, }

I, Mellen Chamberlain, justice of the peace, in and for the county of Waupacca, do hereby certify, that on the 4th day of January, A. D. 1884, the witnesses mentioned in the foregoing depositions, whose names are subscribed thereto, namely—James Smiley, Albon Brandy and R. Nichols, appeared before me at the house of H. Ralph, in the town of Mukwa, in said connty, at 1 o'clock, P. M. of said day; that the said David Scott, named therein as contestant, was present; that the said John B. Jacobs, within named, did not appear; that a notice, a copy of which is annexed, was served on the within named John B. Jacobs, on the 21st day of December, A. D. 1853; that said witnesses and said David Scott appeared for the purpose of taking the depositions of said witnesses, to be used in the matter of the election of member of assembly for the district, comprising the counties of Outagamie, Oconto and Waupacca, wherein David Scott contested the seat of John B. Jacobs, and to be read in evidence before the assembly of the State of Wisconsin, under the authority of an act of the Legislature of the State of Wisconsin, entitled "an act to provide for contesting elections of members of the senate and assembly," approved March 19, 1853; that the said witnesses being examined, at the request of said David Scott, contestant, upon verbal interrogatories, testified precisely in manner and form as in said depositions is set forth; that said deponents before examination, were sworn at the time and place hereinbefore mentioned, to testify the

truth, the whole truth and nothing but the truth, relative to said matter of said election; that said depositions were carefully read over to said deponents, having been subscribed by them on the 4th day of January, A. D. 1854; and that said deponents being there duly sworn, made oath that said depositions, which had been subscribed by them and read to them, were the truth, the whole truth and nothing but the truth, relative to said matter of said election.

Dated at Mukwa, this 4th day of January, A. D. 1854.

MELLEN CHAMBERLAIN, Justice of the Peace.